

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re: Application of: | : |
| Mark Allen Grubbs | : |
| | : Before the Examiner: |
| Serial No: 10/621,951 | : Charles Edward Lu |
| | : |
| Filed: 07/17/2003 | : Group Art Unit: 2163 |
| | : |
| Title: PERFORMANCE-ENHANCING | : Confirmation No.: 1546 |
| SYSTEM AND METHOD OF | : |
| ACCESSING FILE SYSTEM | : |
| OBJECTS | : |

NOTICE OF APPEAL UNDER 37 CFR §41.31

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby appeal to the Board of Appeals from the Decision of the Primary Examiner of April 13, 2007 to reject the claims.

In a Final Office Action dated July 21, 2006, the Examiner finally rejected the claims in this Application under 35 U.S.C. §103(a) as being unpatentable over Sinha in view of Pinkoski and further in view of Achiwa et al. On December 22, 2006, Applicants appealed this decision. In an Office Action dated April 13, 2007, the Examiner reopened the Application's prosecution. In that Office Action, the Examiner rejected the claims under 35 U.S.C. §103(a) as being unpatentable over Duchamp as evidenced by Kleiman in view of Sinha and further in view of Applicants' admitted prior art. Applicants/Appellants do not believe that the Duchamp, Kleiman, Sinha and Applicants' admitted prior art, alone or in combination, teach the claimed invention and request reinstatement of the Appeal.

AUS920030463US1

Appl. No. 10/621,951
Notice of Appeal dated 07/13/2007
Reply to Office Action of 04/13/2007

Respectfully Submitted

By: 

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